

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

Plaintiff,

-v.-

Civil Action No.  
1:05-cv-1169 (GLS/DRH)

\$4,675.00 IN UNITED STATES CURRENCY;  
and ONE 1997 FORD EXPEDITION VIN  
1FMFU18L4VLB79261, NY License No.  
DGB-8080

Defendant.

GREGORY LEE and MARSA GAINES

Claimants.

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APPEARANCES:

**FOR THE PLAINTIFF:**

HON. GLENN T. SUDDABY  
United States Attorney for the  
Northern District of New York  
218 James T. Foley U.S. Courthouse  
445 Broadway  
Albany, New York 12207-2924

THOMAS A CAPEZZA, ESQ.  
Assistant United States Attorney

MR. GREGORY LEE  
Claimant Pro Se  
Ulster County Jail  
E-8  
61 Golden Hill Drive  
Kingston, New York 12401

MS. MARSA GAINES  
Claimant Pro Se  
40 Prince Street  
Kingston, New York 12401

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed January 31, 2007. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

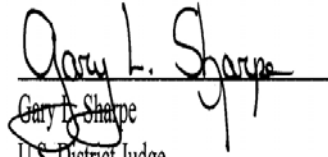
No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed January 31, 2007 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that Lee's cross-motion to dismiss the complaint herein (Docket No. 21) is DENIED.

IT IS SO ORDERED

Dated: February 23, 2007  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge